



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB0430

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-4.5-40
730 ILCS 5/5-4.5-45
730 ILCS 5/5-4.5-52 new

Amends the Unified Code of Corrections. Provides that a defendant who has been convicted of a non-violent offense which is classified as a Class 3 felony or a Class 4 felony and who has not been previously convicted of a felony or misdemeanor may petition the court to be sentenced to a Class A misdemeanor. Provides that the court may grant the motion after considering the circumstances of the offense, and the history, character, and condition of the offender, and if the court is of the opinion that: (1) the defendant is not likely to commit further crimes; (2) the defendant and the public would be best served if the defendant were not to receive a felony sentence; and (3) in the best interests of justice a sentence of a Class A misdemeanor is more appropriate than a sentence for a Class 3 felony or a Class 4 felony. Provides that if the court grants the motion, the court shall sentence the defendant to a Class A misdemeanor. Provides that this sentencing provision may occur only once with respect to any person. Defines "non-violent offense".

LRB099 00219 RLC 20229 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-4.5-40 and 5-4.5-45 and by adding Section
6 5-4.5-52 as follows:

7 (730 ILCS 5/5-4.5-40)

8 Sec. 5-4.5-40. CLASS 3 FELONIES; SENTENCE. Except as
9 provided in Section 5-4.5-52, for ~~For~~ a Class 3 felony:

10 (a) TERM. The sentence of imprisonment shall be a
11 determinate sentence of not less than 2 years and not more than
12 5 years. The sentence of imprisonment for an extended term
13 Class 3 felony, as provided in Section 5-8-2 (730 ILCS
14 5/5-8-2), shall be a term not less than 5 years and not more
15 than 10 years.

16 (b) PERIODIC IMPRISONMENT. A sentence of periodic
17 imprisonment shall be for a definite term of up to 18 months,
18 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
19 ILCS 5/5-5-3 or 5/5-7-1).

20 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
21 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
22 the impact incarceration program or the county impact
23 incarceration program.

1 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
2 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
3 period of probation or conditional discharge shall not exceed
4 30 months. The court shall specify the conditions of probation
5 or conditional discharge as set forth in Section 5-6-3 (730
6 ILCS 5/5-6-3).

7 (e) FINE. Fines may be imposed as provided in Section
8 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

9 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
10 concerning restitution.

11 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
12 be concurrent or consecutive as provided in Section 5-8-4 (730
13 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

14 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
15 Act (730 ILCS 166/20) concerning eligibility for a drug court
16 program.

17 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
18 ILCS 5/5-4.5-100) concerning credit for time spent in home
19 detention prior to judgment.

20 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
21 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
22 (730 ILCS 130/) for rules and regulations for sentence credit.

23 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
24 5/5-8A-3) concerning eligibility for electronic home
25 detention.

26 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as

1 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
2 5/5-8-1), the parole or mandatory supervised release term shall
3 be one year upon release from imprisonment.

4 (Source: P.A. 97-697, eff. 6-22-12.)

5 (730 ILCS 5/5-4.5-45)

6 Sec. 5-4.5-45. CLASS 4 FELONIES; SENTENCE. Except as
7 provided in Section 5-4.5-52, for ~~For~~ a Class 4 felony:

8 (a) TERM. The sentence of imprisonment shall be a
9 determinate sentence of not less than one year and not more
10 than 3 years. The sentence of imprisonment for an extended term
11 Class 4 felony, as provided in Section 5-8-2 (730 ILCS
12 5/5-8-2), shall be a term not less than 3 years and not more
13 than 6 years.

14 (b) PERIODIC IMPRISONMENT. A sentence of periodic
15 imprisonment shall be for a definite term of up to 18 months,
16 except as otherwise provided in Section 5-5-3 or 5-7-1 (730
17 ILCS 5/5-5-3 or 5/5-7-1).

18 (c) IMPACT INCARCERATION. See Sections 5-8-1.1 and 5-8-1.2
19 (730 ILCS 5/5-8-1.1 and 5/5-8-1.2) concerning eligibility for
20 the impact incarceration program or the county impact
21 incarceration program.

22 (d) PROBATION; CONDITIONAL DISCHARGE. Except as provided
23 in Section 5-5-3 or 5-6-2 (730 ILCS 5/5-5-3 or 5/5-6-2), the
24 period of probation or conditional discharge shall not exceed
25 30 months. The court shall specify the conditions of probation

1 or conditional discharge as set forth in Section 5-6-3 (730
2 ILCS 5/5-6-3).

3 (e) FINE. Fines may be imposed as provided in Section
4 5-4.5-50(b) (730 ILCS 5/5-4.5-50(b)).

5 (f) RESTITUTION. See Section 5-5-6 (730 ILCS 5/5-5-6)
6 concerning restitution.

7 (g) CONCURRENT OR CONSECUTIVE SENTENCE. The sentence shall
8 be concurrent or consecutive as provided in Section 5-8-4 (730
9 ILCS 5/5-8-4) and Section 5-4.5-50 (730 ILCS 5/5-4.5-50).

10 (h) DRUG COURT. See Section 20 of the Drug Court Treatment
11 Act (730 ILCS 166/20) concerning eligibility for a drug court
12 program.

13 (i) CREDIT FOR HOME DETENTION. See Section 5-4.5-100 (730
14 ILCS 5/5-4.5-100) concerning credit for time spent in home
15 detention prior to judgment.

16 (j) SENTENCE CREDIT. See Section 3-6-3 of this Code (730
17 ILCS 5/3-6-3) or the County Jail Good Behavior Allowance Act
18 (730 ILCS 130/) for rules and regulations for sentence credit.

19 (k) ELECTRONIC HOME DETENTION. See Section 5-8A-3 (730 ILCS
20 5/5-8A-3) concerning eligibility for electronic home
21 detention.

22 (l) PAROLE; MANDATORY SUPERVISED RELEASE. Except as
23 provided in Section 3-3-8 or 5-8-1 (730 ILCS 5/3-3-8 or
24 5/5-8-1), the parole or mandatory supervised release term shall
25 be one year upon release from imprisonment.

26 (Source: P.A. 97-697, eff. 6-22-12.)

1 (730 ILCS 5/5-4.5-52 new)

2 Sec. 5-4.5-52. SENTENCE PROVISIONS; NON-VIOLENT CLASS 3
3 AND 4 FELONIES.

4 (a) In this Section, "non-violent offense" means an offense
5 that is not a crime of violence as defined in Section 3 of the
6 Rights of Crime Victims and Witnesses Act.

7 (b) A defendant who has been convicted of a non-violent
8 offense which is classified as a Class 3 felony or a Class 4
9 felony and who has not been previously convicted of a felony or
10 misdemeanor may petition the court to be sentenced to a Class A
11 misdemeanor. The court may grant the motion after considering
12 the circumstances of the offense, and the history, character,
13 and condition of the offender, and if the court is of the
14 opinion that:

15 (1) the defendant is not likely to commit further
16 crimes;

17 (2) the defendant and the public would be best served
18 if the defendant were not to receive a felony sentence; and

19 (3) in the best interests of justice a sentence of a
20 Class A misdemeanor is more appropriate than a sentence for
21 a Class 3 felony or a Class 4 felony.

22 (c) If the court grants the motion, the court shall
23 sentence the defendant to a Class A misdemeanor with penalties
24 as provided in Section 5-4.5-55 of this Code.

25 (d) The sentencing provision under this Section may occur

1 only once with respect to any person.